

STEPHEN PARKER )  
)  
)  
v. )  
) **\*\*Civil No. 06-129-P-S**  
)  
**CITY OF SOUTH PORTLAND, et al,** )  
)  
**Defendants** )  
)  
)

The United States Magistrate Judge filed with the Court on May 18, 2007, his Recommended Decision (Docket No. 26). Defendant Kevin Gerrish filed his Objection to the Recommended Decision (Docket No. 27) on June 7, 2007. Plaintiff filed his opposition to Defendant Gerrish's Objection (Docket No. 28) on June 25, 2007.

1. It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **AFFIRMED**.
2. The Motion for Summary Judgment as to all claims brought against Todd Bernard, Jeffrey

Caldwell, the South Portland Police Department, the City of South Portland, and Edward Googins, in his individual and official capacities, is hereby **GRANTED** for the reasons set forth in the Recommended Decision, it is otherwise **DENIED** because I find that genuine issues of material fact preclude summary judgment.

/s/ George Z. Singal  
Chief United States District Judge

Dated: July 18, 2007

**Plaintiff**

**STEPHEN PARKER**

represented by **BENJAMIN R. GIDEON**  
BERMAN & SIMMONS, P.A.  
P. O. BOX 961  
LEWISTON, ME 04243  
207-784-3576  
Email: bgideon@bermansimmons.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**SOUTH PORTLAND, CITY OF**  
*TERMINATED: 07/18/2007*

represented by **EDWARD R. BENJAMIN, JR.**  
THOMPSON & BOWIE  
3 CANAL PLAZA  
P.O. BOX 4630  
PORTLAND, ME 04112  
774-2500  
Email: ebenjamin@thompsonbowie.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**SOUTH PORTLAND POLICE  
DEPARTMENT**  
*TERMINATED: 07/18/2007*

represented by **EDWARD R. BENJAMIN, JR.**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**EDWARD GOOGINS**

*in his individual and official  
capacities*

*TERMINATED: 07/18/2007*

represented by **EDWARD R. BENJAMIN, JR.**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Defendant**

**KEVIN S GERRISH**

*in his individual and official  
capacities*

represented by **EDWARD R. BENJAMIN, JR.**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Defendant**

**JEFFREY CALDWELL**

*in his individual and official  
capacities*

*TERMINATED: 07/18/2007*

represented by **EDWARD R. BENJAMIN, JR.**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Defendant**

**TODD BERNARD**

*in his individual and official  
capacities*

*TERMINATED: 07/18/2007*

represented by **EDWARD R. BENJAMIN, JR.**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*